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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/785,941 | 02/16/2001 | Sam Cynamon | 01065/RPM | 4399 |

1933 7590 04/29/2002

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NEW YORK, NY 10017-2023

EXAMINER

BASINGER, SHERMAN D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3617

DATE MAILED: 04/29/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,941

Applicant(s)

CYNAMON, SAM

Examiner

Sherman D. Basinger

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 16 "the rescue tube" has no clear antecedent.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson.

The boat is the rescue device or the flotation device.

The floatation material is 1, the flexible mesh is 2 and the bonding material is 3.

Robinson discloses in column 2, lines 28 and 29 that the foam elements 1 may be covered directly with the layer 2. In column 2, lines 60-61 it is disclosed that the mesh is wrapped substantially around the foam pieces. In column 2, lines 38 and 39 it is disclosed that the outer layer 3 may cover the entirety of the protective layer. In claim 5, last paragraph it is claimed that the two or more cylindrical members are formed of foam

Art Unit: 3617

pieces substantially encapsulated by a flexible protective layer including a mesh fabric and viscoelastic coating.

Robinson does not disclose that the flexible mesh 2 is disposed entirely about the floatation material; however, from what is claimed and disclosed, the mesh substantially encapsulates the floating material. In view of what is disclosed by Robinson, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have the mesh and bonding material of Robinson fully encapsulate the floatation material such that the mesh is entirely disposed about the floatation material. By substantially encapsulating the foam material, Robinson very nearly disposed the mesh entirely about the floatation material. To dispose the mesh entirely about the floatation material is desirable to protect all of the outer surface of the foam material. To leave an area, even a small one, unprotected by the mesh 2 and outer layer 3 would invite water seepage into the foam element 1 through this unprotected area.

The foam used by Robinson is a closed cell foam-column 2, line 21.

The mesh can be made of nylon-column 2, line 34.

The bonding material can be either polyurethane-column 2, line 53-or polyvinyl chloride-claim 16.

5. Claims 6-14, 16, 17, 19, 20 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson as applied to claim 1 above, and further in view of Carpenter.

Art Unit: 3617

The boat of Robinson does not have a towline. Note the towline 100 for the boat of Carpenter. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide a towline similar to 100 of Carpenter to the boat of Robinson for aquatic recreation as taught by Carpenter.

The Carpenter towline 100 comprises a plurality of rings arranged along its length-the rings being the D hooks of strap 118. The harness of the towline of Carpenter is 104f.

The flexible mesh would be secured to the towline through the hardware attaching the towline to the boat of Robinson.

The securement device of claim 10 is 112 of Carpenter.

The harness and the hook coupled to one end of the towline is harness 104f and hook 118 of 104e.

The reach assist strap of claim 19 is the towline provided to Robinson in view of Carpenter.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson as applied to claim 1 above, and further in view of Rucker.

The bonding material of Robinson does not have a thickness such that the flexible mesh 2 provides a texture to the surface of the rescue device. Note figure 5 of Rucker where

the mesh provides a texture to the bonding material 22. In view of this teaching, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have the bonding material of 3 of Robinson be of a thickness such that the mesh 2 is able to provide a texture to the surface of the boat. It would make it easier to grasp the boat and stay in the boat if the surface of the cylindrical members of the boat have a texture.

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


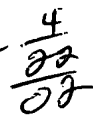
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Garfield is cited to show the tow lifeline. Johnson et al is cited to show the towline or safety device. Kaino is cited to show the strap 40.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Art Unit: 3617

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

 
Sherman D. Basinger
Primary Examiner
Art Unit 3617

sdb
April 22, 2002